

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 77-74

ENFORCEMENT ORDER FOR ISSUANCE OF A
TIME SCHEDULE

ORDER DIRECTING CITY OF HAYWARD
TO COMPLY WITH REQUIREMENTS PRESCRIBED
BY THE CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, SAN FRANCISCO BAY REGION,
IN ORDER NO. 77-73 (NPDES PERMIT NO. CA0037656)

The California Regional Water Quality Control Board, San Francisco Bay Region,
finds that:

1. This Board, on June 21, 1977 adopted Order No. 77-73 prescribing waste discharge requirements including a compliance time schedule for the City of Hayward in accordance with statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The permit contains a compliance date of July 1, 1977 for achieving secondary effluent limitations as required by the Federal Act.
2. The City of Hayward has submitted evidence which documents that the above requirements contained in Order No. 77-73 cannot be achieved. The discharger has experienced delays beyond its control because of problems in development of the East Bay Dischargers Authority (EBDA) Water Quality Management Program Phase I Project.
3. The City of Hayward has submitted a time schedule by which it can achieve the requirements contained in Order No. 77-73 .
4. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
5. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the City of Hayward shall comply with Provision D.4. of Order No. 77-73 in accordance with the following schedule:

1.	<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
a.	Commence Design of treatment plant improvements	August 1, 1977	August 1, 1977
b.	50% completion of plant design	January 1, 1978	January 15, 1978

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Date</u>
c. Submission of 100% completed plans and specifications to SWRCB	July 1, 1978	July 15, 1978
d. Status report, Bidding	September 1, 1978	September 15, 1978
e. Start plant construction	November 1, 1978	November 15, 1978
f. Complete pump station	January 1, 1979	January 15, 1979
g. Status report, construction	April 1, 1979	April 15, 1979
h. Status report, construction	September 1, 1979	September 15, 1979
i. Complete construction of Bay outfall & commence discharge to interceptor in compliance with prohibition A.3.	January 1, 1980	January 15, 1980
j. Complete plant construction	May 1, 1980	May 15, 1980
k. Full compliance	November 1, 1980	November 15, 1980

2. This Order expires on January 1, 1981.

The Board declares that it shall not undertake further enforcement action to bring the City of Hayward into compliance with secondary effluent limitations by July 1, 1977 as contained in Order No. 77-73, provided:

- a. The City of Hayward complies with all terms and the time schedule contained in this Order;
- b. The City of Hayward complies fully with all terms of the permit with the exception of Provision D.4;
- c. Circumstances do not occur which would warrant modification of the permit or time schedule; and
- d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 21, 1977.

FRED H. DIERKER
Executive Officer